

# VIRGINIA BOARD OF OPTOMETRY NEWS FOCUS



November 2007

## President's Message

*Since the last newsletter in January, the Board office has moved, Optometry's Sanctions Reference Point Study has almost been completed, and questions about oral medication prescribing have arisen. It cannot be overstated that it is important for all licensees to remain abreast of the relevant laws and regulations and their requirements, especially renewal requirements. For reference, go to the Board's website on the Laws and Regulation:*  
[http://www.dhp.virginia.gov/Optometry/optometry\\_laws\\_regs.htm](http://www.dhp.virginia.gov/Optometry/optometry_laws_regs.htm)

*On August 20, 2007, the Board office moved a few miles west of its old location to the Perimeter Center, 9960 Mayland Drive, Suite 300 in Richmond, VA 23233. The main telephone number also changed to 804-367-4508 along with the fax (804) 527-4466. A map and directions are posted on the Department of Health Professions' website:*  
<http://www.dhp.virginia.gov/About/directions.htm>

*The Sanctions Reference Study for Optometry has been underway throughout the year and should be completed before the end of the December. The Optometry Sanctions Reference points system will be modeled on factors significant to past sanctioning decisions modified by additional factors that the Board determines to be important to future sanctioning decisions. This Board-developed system provides a tool which allows similarly situated cases to be judged against the same set of factors, ensuring transparency and fairness and reducing unwarranted surprises.*

*The Board office has received a number of questions concerning oral prescriptions and whether an optometrist may prescribe for systemic ailments accompanying oral conditions. Any prescription written by an optometrist must be for an ocular related condition, and the patient's record should clearly reflect the ocular condition for which the prescription is written.*

*Remember that license renewals are to be completed on or before December 31, 2007. Sixteen (16) hours of acceptable continuing education are required to renew. For those certified in the use of therapeutic pharmaceutical agents, two hours must relate to their prescribing and administering. Due to compliance issues last year, the Board is particularly mindful of the need to determine whether licensees are meeting their continuing education requirements. Audits will be conducted.*

Sincerely yours,

*David H. Hettler, O.D.*

## Members of the Board

<b>David H. Hettler, OD</b> President Oakton Second term expires 6/30/2010	<b>Paula H. Boone, OD</b> Vice President Portsmouth Second term expires 6/30/2009	<b>Gregory P. Jellenek, OD</b> Secretary-Treasurer Chesapeake, VA First term expires 6/30/2008	<b>Jonathan Noble, OD</b> Ashland, VA First term expires 6/30/2011	<b>W. Ernest Schlabach, OD</b> Harrisonburg, VA First term expires 6/30/2008	<b>Jacquelyn S. Thomas</b> Citizen Member Unexpired term expires 6/30/2010
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## What is COPE? Glad you Asked!

by Paula H. Boone, O.D.

COPE is the Council on Optometric Practitioner Education, a committee of the Association of Regulatory Boards of Optometry (ARBO) which represents 50 US optometry boards and four US territories/jurisdictions. COPE was created in 1995 as a national clearinghouse for all continuing education (CE) courses of a state-wide, regional or national scope with a 5 point mission to:

1. coordinate the review and approval of continuing optometric education on behalf of state boards on a national basis;
2. reduce duplication of effort by state boards in the processing of CE information;
3. create a uniform method of recording continuing education courses on a national basis;
4. be the clearinghouse for information about continuing education programs and courses utilized by licensed optometrists to fulfill continuing education requirements for license renewal; and
5. encourage program sponsors to offer high quality CE in appropriate settings with adequate administrative structure.

COPE has received over 16,000 courses for processing, has granted the COPE Qualified Administrator designation to over 200 organizations/individuals; and approved over 4,500 programs. The committee continues to grow and is currently re-evaluating all state CE laws to ensure COPE's compliance and is altering guidelines to increase the integrity of the program.

There is documented evidence of quality problems in the state and national healthcare systems. Included in these quality problems is the issue of competency. Since optometric continuing education is currently the primary method used by optometric licensing boards to certify competency of licensed optometrists, efforts are being made to improve its quality and consistency.

On the national level, ARBO has formed a new Optometric Competence Committee to address training and ongoing licensure and certification. On the state level, the Virginia Board of Optometry has re-evaluated the legislated CE requirements and course quality as it relates to scientific and educational integrity. (See proposed regulations on the board website.) These developments and proposed changes will theoretically help to maintain the high level of optometric care practiced in the Commonwealth of Virginia. However, it is incumbent that each optometrist expends whatever resources are necessary to remain competent in knowledge and skills in order to provide quality care.

### Board Calendar for 2008

Date	Type
February 12	Board Meeting
February 12	Disciplinary Hearings
April 1	Disciplinary Hearings
May 9	Board Meeting
May 9	Disciplinary Hearings
August 6	Board Meeting
August 6	Disciplinary Hearings
September 25	Disciplinary Hearings
November 13	Board Meeting
November 13	Disciplinary Hearings

The location for all meetings is:

Perimeter Center  
9960 Mayland Drive, Second Floor  
Richmond, Virginia 23233

NOTE: The calendar is subject to change. To confirm a meeting, please contact the Board office at 804-367-4508 or e-mail at [optbd@dhp.virginia.gov](mailto:optbd@dhp.virginia.gov).

## **The Purpose of the Citizen Board Member**

*by Jacquelyn Thomas Smalls*

The main responsibility of all Board of Optometry members is to protect the safety, health and welfare of the citizens of the Commonwealth of Virginia. The citizen board member, an individual not trained in the field of optometry has the additional responsibility of reflecting upon the question, "What is best for the consumer?"

The citizen representative brings a unique perspective to board discussions. He or she represents the concerns of everyday consumers and their advocates regarding optometric practices and services.

While not a clinician, it is expected that the citizen member have experience and skills to participate meaningfully. The citizen member can present information on how consumers may think and feel about an issue and contribute consumer experiences that have relevance to the discussion.

As a member of a regulatory board, the primary obligation is to the citizens of the Commonwealth of Virginia. The Board of Optometry which includes the viewpoint and opinions of a citizen board member serves the public by encouraging licensed optometry professionals to perform with competence and integrity.

### **License Renewal deadline approaching. . .**

*The renewal deadline for all TPA and non-TPA Optometry licenses is **December 31, 2007**. Continuing education requirements must be met or an exception granted prior to December 31st. In mid-November each year, the renewal forms are mailed to the address of record. Make sure that the Board office has your correct address.*

## **Board Statistics**

*by Jonathan Noble, O.D.*

### **Statistics**

#### Licensure

The number of Virginia licensed optometrists with Therapeutic Pharmaceutical Agents (TPA) certification continues to increase over the past several years. During FY 2007, the number of active professional designations has slightly declined from FY 2006.

<b>License Type</b>	<b>FY 2007</b>	<b>FY 2006</b>	<b>Change</b>
TPA Optometrist	1142	1132	1%
Non TPA Optometrist	249	261	-5%
Volunteer Registration Optometrist	0	2	
<b>Total Optometrists</b>	<b>1391</b>	<b>1395</b>	<b>&lt;-1%</b>
Professional Designations	147	161	-9%
<b>Grand Total</b>	<b>1538</b>	<b>1556</b>	<b>-1%</b>

#### Discipline

During FY2007, the board adjudicated 56 cases. Of these, 15 were closed with findings of violation. Confidential Consent Agreements resolved 9 additional cases. For specifics concerning Board disciplinary actions in FY2007, as well as public information on all Board of Optometry licensees, go to "License Lookup" on the Boards website: Virginia Board of Optometry - Home Page.  
<http://www.dhp.virginia.gov/Optometry/>

## **Patient Records**

*by W. Ernest Schlabach, O.D.*

Section 18 VAC 105-20-40 of the Board's Regulations Governing the Practice of Optometry states that it is unprofessional conduct for an optometrist to fail to maintain patient records on each patient for not less than five years from the date of the most recent service rendered. It is also unprofessional conduct for an optometrist to fail to notify patients in the event the practice is to be terminated. The optometrist must give a reasonable time period within which the patient or an authorized representative can request in writing that the records or copies be sent to any other like-regulated provider of the patient's choice or destroyed.

*Code of Virginia* § 54.1-2405 specifically addresses proper notice to patients when an optometrist intends to close, sell, or relocate his practice out of state or at least thirty miles away from his present location. The optometrist is prohibited from transferring records pertaining to a current patient until he has attempted to notify the patient of the pending transfer. Here, "current patient" means a patient who has had a patient encounter with the provider or his professional practice during the two-year period immediately preceding the date of the record transfer. Prior notice must be given by mail at the patient's last known address and published in a newspaper of general circulation within the optometrist's practice area. *Code of Virginia* § 8.01-324 outlines the general requirements for newspapers used for legal notices and publications. The notice must indicate that, upon the written request of the patient or an authorized representative, the records or copies will be sent, within a reasonable time, to any other like-regulated provider of the patient's choice or provided to the patient. The notice must also disclose whether any charges will be billed by the optometrist for supplying the patient or the

patient's provider chosen by the patient with the originals or copies of the patient's records. Such charges may not exceed the actual costs of copying and mailing or delivering the records.

Who owns the records? Section 54.1-2403.3 of the *Code of Virginia* provides that medical records maintained by a health care provider shall be the property of the provider or, in the case of a health care provider employed by another health care provider, the property of the employer. It is the responsibility of the health care provider to release copies of any such medical records in compliance with the health records privacy law under *Code of Virginia* § 32.1-127.1:03, pursuant to a subpoena under *Code of Virginia* § 8.01-413 when the request is made for purposes of litigation, or as otherwise required by state or federal law.

## **Continuing Education Issues**

*by Gregory P. Jellenek, O.D.*

Under Section 18 VAC 105-20-70 of the Board's Regulations Governing the Practice of Optometry, an optometrist is required to complete 16 hours of continuing education (CE) during each calendar year for licensure renewal. Of the 16 hours, 14 hours of CE shall pertain directly to the care of the patient. The 16 hours of CE may include up to two hours of recordkeeping and up to two hours on CPR. Also, TPA certified optometrists are required to take at least two of the 16 hours of CE on subjects related to the prescribing and administration of therapeutic pharmaceutical agents (TPAs).

All CE must be in accordance with the requirements specified in the regulation. Courses shall be disallowed if they are solely designed to promote the sale of specific instruments or products or if they are offering instruction on augmenting income. Also, only courses offered by

sponsors from the approved list (see subsection G of 18 VAC 105-20-70) will be accepted. Certificates verifying CE courses should have the date, title, presenter, approval number, and optometrist's name. Licensees shall maintain CE documentation for a minimum of three years. New licensees are exempt from CE requirements for the first renewal following initial licensure.

Failure to obtain the required annual CE constitutes one of the largest categories of disciplinary cases brought before the Board each year. All optometrists must be familiar with the current regulation. In addition to any other sanctions imposed by the Board, the Board has directed that violators of the CE requirements be audited for at least three years following a violation. Repeat offenders shall receive fines of at least \$300 for the first hour of CE lacking and \$200 for each additional hour of CE that a licensee is deficient. Also, when an optometrist signs his license renewal (electronically or manually), he is attesting that he has completed all CE required for renewal. To knowingly sign this attestation and not have the required hours is fraudulent and may result in additional disciplinary action.

### **Prescription Monitoring Data Center**

Prescribers, Pharmacists, and other authorized users may make requests for data from the Prescription Monitoring Program via a secure web page. This web page will assist authorized users in organizing their requests and the reports that are generated by the program. To access the [PMP Data Center click here.](#)

If you are not already a registered user of the **PMP Data Center** click on the "Not a User? Register to become a User" link on the login screen, fill out the information form, click submit, then print the form out and **fax it to 804-527-4470**. Your User Name and Password will be mailed to your address of record on file with the Department of Health Professions. For questions about the PMP Data Center please call 804-367-4566.

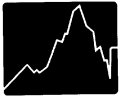
Access the [PMP Data Center.](#)

**For more information on the Prescription Monitoring Program go to:**

[http://www.dhp.virginia.gov/dhp\\_programs/pmp/pmp\\_prescriber.asp](http://www.dhp.virginia.gov/dhp_programs/pmp/pmp_prescriber.asp)

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